

Message Text

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ACTION L-03

INFO OCT-01 IO-13 ISO-00 EB-07 TRSE-00 COME-00 CIAE-00
INR-07 NSAE-00 SS-15 SP-02 NSC-05 OIC-02 OMB-01
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PASS: EB/BOEKER; L/SCHWEBEL; EB/OIA KAUZLARICH;
TREAS/CLAPP, COMM/ARRILL

E.O. 11652: N/A
TAGS: EINV, UN
SUBJECT: UN TRANSNATIONAL CORPORATION COMMISSION MEETING-MAY 6,
P.M., CONCLUSION.

REF: STATE 103565

1. SUMMARY: COMMISSION ON TRANSNATIONAL CORPORATIONS
ENDED ITS DIFFICULT AND SOMETIMES CONFRONTATIONAL THIRD SESSION
WITH THE APPROVAL OF A CONSENSUS REPORT THAT IS CONSISTENT
WITH U.S. POSITIONS ON ALL KEY POINTS, INCLUDING THE COMPRE-
HENSIVE INFORMATION SYSTEM. THE COMMISSION VOTED FOR THE
FIRST TIME, HOWEVER, PASSING A RESOLUTION ON SOUTHERN AFRICA,
WITH THE U.S. AMONG THOSE OPPOSED. THE RESULT ON THE CODE
EXERCISE SERVED TO EMPHASIZE THE SHARP DIVISIONS BETWEEN
THE DEVELOPED AND DEVELOPING NATIONS ON THE PERMANENT SO-
VEREIGNTY/INTERNATIONAL LAW ISSUES.

2. RE INFORMATION SYSTEM, WE PUT FORWARD SUGGESTION THAT
COMMISSION PUT ASIDE ENTIRETY OF DOC. E/C.10/27 AND REVERT
TO LANGUAGE AGREED AT LIME. COMING AS IT DID LATE IN EVENING
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SESSION, AFTER LENGTHY PROPOSED AMENDMENT OFFERED BY UK,
WITH COMMENTS BY OTHERS, THIS SUGGESTION WAS RECEIVED BY
COMMISSION WITH RELIEF. SUGGESTIONS OF DEPARTMENT'S REFTL
THUS ACHIEVED COMPLETELY.

3. IN REMAINDER OF REPORT, MOST AND ALL SUBSTANTIVE US
SUGGESTIONS ADOPTED.

4. WE SUCCEEDED IN AVERTING DIRECTIVE TO CENTRE TO DO IN-DEPTH STUDIES OF TNC ACTIVITY IN "OCCUPIED TERRITORIES, AS URGED BY EGYPT, KUWAIT AND OTHERS. CENTRE WILL POSSIBLY INCLUDE SUCH STUDY UNDER ITS "OTHER STUDIES" MANDATE.

5. CHAIRMAN COMMENTED IN HIS CONCLUDING REMARKS ON FACT THAT TNC COMMISSION HAD TAKEN ITS FIRST VOTE (ON NIGERIAN RESOLUTION RE TNC ACTIVITIES IN SOUTHERN AFRICA). I HAD MADE POINT THAT COMMISSION SEEMS GENERALLY DESIROUS PRESERVING METHOD OF OPERATING BY CONSENSUS IN FUTURE.

6. IT MAY BE NOTED THAT NIGERIA RESOLUTION IS DIRECTED AT GOVERNMENTS AS WELL AS TNC'S. THIS REINFORCES US POSITION RE CODE THAT CODE PROVISIONS CAN BE DIRECTED AT GOVERNMENTAL CONDUCT, AND THAT COMMISSION IS NOT SOLELY LIMITED TO CONDUCT OF CORPORATIONS.

7. WORK ON ANNOTATED OUTLINE OF CODE SUGGESTS, IN MY OPINION, THAT AGREEMENT ON SUBSTANTIVE CODE PROVISIONS WILL BE VERY DIFFICULT. AS DELEGATIONS APPROACH ACTUAL DRAFTING THEY GIVE ADDED EMPHASIS TO SUCH CONCEPTS AS "PERMANENT SOVEREIGNTY" AND "COMPLIANCE WITH DOMESTIC LAWS," AND GIVE THESE PHRASES A VERY BROAD INTERPRETATION. THIS ENGENDERS CONCERN THAT RIGHT TO JUST COMPENSATION, ETC. BE EXPLICITLY RECOGNIZED, AND POSITIONS THUS GROW BOTH FURTHER APART AND MORE DIFFICULT TO BRIDGE. I BELIEVE THAT CONCEPT ARTICULATED IN EMINENT PERSONS REPORT AND SINCE LIMITED OFFICIAL USE

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REPEATED AT SECOND (LIMA) SESSION, THAT CODE MAY BE EVOLVING PROCESS RATHER THAN A COMPLETE SET OF DOCUMENTS LIKE OECD CODE DESERVES FURTHER THOUGHT AS POSSIBLY ONLY WAY TO AVOID CONFRONTATION. IF THIS IS SO, INTERSESSIONAL PREPARATORY DISCUSSIONS WITH KEY PERSONALITIES WOULD BE DESIRABLE.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Concepts: VOTING, LESS DEVELOPED COUNTRIES, DISPUTES, RESOLUTIONS, MULTINATIONAL CORPORATIONS, INFORMATION CENTERS, INDUSTRIALIZED NATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 07-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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